IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25664 of 2007(E)

PETITIONER:

JYOTHI C.C.,
W/O.M.JAYENDRAN, 'JANAKI NIVAS',
CHERUTHAZHAM, P.O.MANDUR, KANNUR DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPAURAM.

3. THE DIRECTOR, L.B.S.CENTRE FOR SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.SURESH KUMAR SC, LBS CENTRE
GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.25644 OF 2007

DATED THIS THE 23rd DAY OF AUGUST, 2007

JUDGMENT

The petitioner appeared for the State Eligibility Test conducted in 2007 in the subject of English. The petitioner got 51.52% for the first paper and 48.33% for the second paper. The eligibility for passing is minimum of 50% in each paper. The petitioner submits that the petitioner should have been declared as passed by granting moderation The ground on which this submission is made that in respect of other seventeen subjects moderation has been granted. The petitioner, therefore, seeks direction to the respondents to grant moderation to the petitioner for the second paper.

I am not inclined to consider the petitioner's claim. The moderation is not a right, it is only a concession given, taking into account the circumstances. Simply because in respect of other subjects moderation has been granted, there won't be any discrimination if moderation is denied in one subject. The question as to whether moderation should be given or not has to be decided taking into

account various factors which may not be the same in respect of all subjects. Therefore this court cannot decide whether it is necessary to grant moderation in English. According to me the practice of giving moderation in SET itself may not be a healthy practice unlike in usual examinations since the SET is for the purpose of deciding whether a person who passed the qualifying examination is competent to teach students. Therefore, I do not find any merit in this writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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